



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

July 16, 2014

Planning Board Members:

Neil Connelly, Chairman  
Rebecca Anderson  
Anthony Gorski  
Joseph Keefe  
Lawrence Korzeniewski  
Kristin McCracken  
Melvin Szymanski

Town Board Members:

Dino Fudoli, Supervisor  
John M. Abraham  
Mark Aquino  
Ronald Ruffino, Sr.  
Donna G. Stempniak

Engineering Consultant:

Robert Harris, Wm. Schutt & Associates

Town Attorney:

John M Dudziak

Town Highway Superintendent:

Daniel J. Amatura

Building & Zoning Inspector:

Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held July 16, 2014. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Neil R. Connelly  
Planning Board Chairman

NRC:mn  
Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the sixteenth day of July 2014 at 7:30 P.M, and there were present:

PRESENT: Neil Connelly, Chairman  
Rebecca Anderson, Member  
Anthony Gorski, Member  
Joseph Keefe, Member  
Lawrence Korzeniewski, Member  
Melvin Szymanski, Member

EXCUSED: Kristin McCracken, Member

ABSENT: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak (Arrived at 8:00PM)

Other Elected Officials: None

Town Staff: Robert Harris, Engineering Consultant-Wm. Schutt & Assoc.  
Jeffrey H. Simme, Building & Zoning Inspector  
Kevin Loftus, Deputy Town Attorney  
Mary Nowak, Recording Secretary

Meeting called to order by Chair Connelly at 7:30 P.M.

Pledge of Allegiance led by Town Engineer Robert Harris.

Minutes – A motion was made by Anthony Gorski to approve the minutes from the June 4, 2014 Planning Board Meeting. Motion seconded by Rebecca Anderson and unanimously carried.

#### Communications List July 16, 2014

- 07.16.01 Memo from Johanna Coleman indicating a training session for Zoning and Planning will be held on July 9, 2014. To be conducted by Chuck Malcomb.
- 07.16.02 Memo from Town Attorney noting SEQR review to be held July 7, 2014.
- 07.16.03 SEQR response from Division of Sewerage Management dated 6/4/14 regarding Thoman Asphalt.
- 07.16.04 SEQR response from Division of Environmental Planning dated 6/12/14 regarding Thoman Asphalt.
- 07.16.05 SEQR response from DEC dated 6/19/14 regarding Thoman Asphalt.
- 07.16.06 Memo from Jeffrey Simme noting that Planning Board meeting of 6/18/14 has been canceled.
- 07.16.07 Copy of resolution adopted by Town Board on 6/16/14 granting waiver of required training to Melvin Szymanski for the remainder of his term as member of the Town Planning Board.
- 07.16.08 SEQR response dated 6/10/14 from Division of Sewerage Management regarding Edgewater Apartments.
- 07.16.09 SEQR response dated 6/12/14 from Division of Environmental Planning regarding Edgewater Apartments.
- 07.16.10 Copy of resolution adopted by Town Board on 6/2/14 approving site plan for construction of new warehouse at Apple Rubber.
- 07.16.11 2014 Planning and Zoning Summer Schools schedule. (August 8 - Batavia)
- 07.16.12 Memo from Leza Braun, Attorney's Office, that SEQR meeting on 6/16/14 is canceled.
- 07.16.13 Letter from Morgan Fay, Payroll Supervisor, dated 6/16/14, regarding Planning Board semi-annual pay.
- 07.16.14 Minutes of ZBA meeting of 6/12/14.

- 07.16.15 SEQR response from DEC dated 6/20/14 regarding Edgewater Apartments.
- 07.16.16 Memo from Terrence McCracken, General Crew Chief, indicating no issues with site plan for new storage building at Russel's Steak, Chops, and More.
- 07.16.17 Memo from Jeffrey Simme noting that Planning Board meeting of 7/2/14 has been canceled.
- 07.16.18 Minutes from MRC meeting of 7/7/14.
- 07.16.19 Letter from Robert Harris, Town Engineer, dated 7/10/14, with comments regarding Advantage Fitness, 6161 Broadway.
- 07.16.20 Letter from office of Hogan Willig Attorneys dated 6/30/14 with language to be included in deed regarding 35 foot wide private drainage easement.
- 07.16.21 Minutes of ZBA meeting of 7/10/14.
- 07.16.22 Letter from Dan Amatura, Highway Superintendent, dated 7/10/14, requesting that no construction vehicles be allowed to enter building site through adjacent subdivisions of proposed Hidden Meadow Subdivision.
- 07.16.23 Letter from Dan Amatura, Highway Superintendent, dated 7/10/14, citing no concerns regarding Advantage Fitness site plan.
- 07.16.24 Letter from Dan Amatura, Highway Superintendent, dated 7/10/14, stating that all construction vehicles and equipment enter and exit off William St. and do not use Avian Way or Apple Blossom.
- 07.16.25 Letter from Johanna Coleman, Town Clerk, dated 7/10/14, to Angelo Natale of Natale Development, stating that the Town Board will hold a public hearing on rezone petition for 375 and 391 Harris Hill Road on 7/21/14 at 7:15 P.M.
- 07.16.26 Letter from Johanna Coleman, Town Clerk, dated 7/10/14 to William Severyn, with copy of resolution of Town Board dated 7/7/14 approving final plat for Severyn Subdivision.
- 07.16.27 Letter from Johanna Coleman, Town Clerk, dated 7/10/14, to Andrew Marino of Tredo Engineers, with copy of resolution of Town Board dated 7/7/14, approving site plan for Springhill Suites Hotel.
- 07.16.28 Designation of Representative for Fairway Hills Subdivision rezone. (David DePaolo designates Damon Morey LLP.)

- 07.16.29 Presentation from Charles Malcomb, Esq. of Hodgson Russ on Ethical Considerations for Planning Boards and Zoning Boards of Appeals.
- 07.16.30 Notice of the Community Congress Open House to be presented in Lockport on 7/21 and ECC City Campus on 7/22 at 5 PM. There will be presentations at 5:30 PM and 7:00 PM. Credits towards training requirements will be given.
- 07.16.31 Phone call from Eileen Rutkowski of Regency Ct. to Planning Board Chair Connelly on 7/16/14 voicing concerns over proposed development of the Harris Hill Golf Course.

## ACTION ITEMS -

SKETCH PLAN REVIEW- HIDDEN MEADOWS SUBDIVISION, 657 AURORA STREET, 95 SINGLE-FAMILY HOMES. PROJ. NO. 4006. CONTACT PERSON: WILLIAM TUYN, FORBES CAPRETTO.

William Tuyn, Forbes Capretto presented to the Planning Board the sketch plan review for the proposed Hidden Meadows Subdivision located at 657 Aurora Street. The sketch plan shows 95 single-family homes. Mr. Tuyn stated that this project fits in the time line with Erie County Sewer Dept. for the sewer project in this area which will take about 2 years to complete. He also stated that the existing channel on this parcel will be re-located. This project will be built in phases. The following items were discussed:

Wetlands and floodplains – The sketch plan shows many building lots located in the wetlands, floodplain and floodway. The Planning Board stated that the applicant must address this situation.

Sewer District #4 – The Planning Board stated that Sewer District #4 must sign off on this project before any work can begin.

Stub street – Council Member Donna Stempniak stated that a stub street needs to be shown on the plan for possible future connection to Aurora Street.

Mobil pipeline – Some of the lots in this project back up to the existing Mobil pipeline easement. The Planning Board stated that proposed homeowners/owners of these lots will need to be notified of the location of the pipeline easement. Mr. Tuyn stated that the pipeline easement will be shown on the mapcover and that owners will be made aware of its location.

Environmental encumbrances – The Planning Board stated that currently many of the building lots have environmental encumbrances and that the applicant needs to address these lots.

Construction vehicles – Chair Connelly referred to com.7.16.22 from Town Highway Superintendent Amatura requesting that no construction vehicles be allowed to enter this building site through the adjacent subdivision. Mr. Tuyn stated that there is no other entrance to Hidden Meadows Subdivision. He also said that currently other large trucks and school buses use the streets in the adjacent subdivision. The Planning Board asked that the applicant find another way to enter the proposed subdivision. Mr. Tuyn stated that the owners of the adjacent property that fronts on Aurora Street are not interested in selling their property and as a result no connection to Aurora Street is possible. Council Member Donna Stempniak stated that there is property at the northeast corner of this parcel that is owned by the Town of Lancaster and that the applicant needs to look into this regarding connection with Aurora Street.

## DETERMINATION

Based on the information provided to the Planning Board, a motion was made by Melvin Szymanski to recommend approval of the sketch plan with the following conditions: 1.) Applicant to address lots that are located in wetlands and floodplains. 2.) Sewer District #4 must sign off on this project. 3.) Stub street to Aurora Street to be shown on plan for possible future connection. 4.) Proposed owners of lots near Mobil pipeline easement must be notified. 5.) Applicant to address environmental encumbrances throughout this project. 6.) Applicant to look into adjacent property at N/E corner of project which is owned by the Town of Lancaster regarding connection with Aurora Street. Motion seconded by Lawrence Korzeniewski and duly carried by a vote of 5 ayes and one nay. Roll call vote as follows:

Chair Connelly - Yes	Lawrence Korzeniewski - Yes
Rebecca Anderson - Yes	Kristen McCracken - Excused
Anthony Gorski - No	Melvin Szymanski - Yes
Joseph Keefe - Yes	

SITE PLAN REVIEW – ADVANTAGE FITNESS, 6161 BROADWAY, PROPOSED 3,360+/- SQ. FT. NEW BUILDING FOR A FITNESS FACILITY WITH 15 +/- SPACE PARKING LOT. PROJ. NO. 4071. CONTACT PERSON: KENNETH ZOLLITSCH, GREENMAN-PEDERSEN, INC.

Kenneth Zollitsch, Greenman-Pedersen, Inc. and Mark Schrablin, owner presented to the Planning Board the site plan review for Advantage Fitness, 6161 Broadway located between Pavement Road and Schwartz Road. The site plan shows a 3,360 sq.ft. new pole-barn type building for a fitness facility. The entrance to the building will be on the west side of the building with a concrete sidewalk leading to a stone driveway. This project will have public water and a septic field. Lighting for this project will be on the building, with no light standards in the parking lot. The project will be built at the north end of the parcel; the south portion will remain undeveloped. Advantage Fitness is for whole-body fitness. There will be 5 employees on staff including a chiropractor, dietitian, and PGA professional. Hours of service will be 6:00AM to 11:00PM by appointment only. The following items were discussed:

Curb cut – Mr. Zollitsch stated that since Broadway is a state highway, the applicant has submitted an application for a curbcut to NYSDOT.

Garbage pick-up – No dumpster is shown on the site plan. Mr. Zollitsch stated that since this project will generate very little garbage, they will have curbside pick-up.

There were some questions concerning the building plan that was presented. Mr. Schrablin stated that the building plan needs to be corrected. The Planning Board stated that a corrected building plan must be submitted to the Town Board.

## DETERMINATION

Based on the information provided to the Planning Board, a motion was made by Rebecca Anderson to recommend approval of the site plan to the Town Board with the following condition: 1.) Applicant to provide corrected building plan. Motion seconded by Anthony Gorski and unanimously carried. Roll call vote as follows:

Chair Connelly - Yes	Lawrence Korzeniewski - Yes
Rebecca Anderson - Yes	Kristen McCracken - Excused
Anthony Gorski - Yes	Melvin Szymanski - Yes
Joseph Keefe - Yes	



SKETCH PLAN REVIEW – SUMMERFIELD FARMS, PART 7, WILLIAM STREET, SBL#127.00-4-1.11, SBL#127.00-4-46 & SBL#127.00-4-44.1. 58 SINGLE-FAMILY HOMES. PROJ. NO. 3041. CONTACT PERSON: KENNETH ZOLLITSCH OF GREENMAN-PEDERSEN, INC.

Kenneth Zollitsch of Greenman Pedersen, Inc. and David DiPaulo of Marrano Marc-Equity presented to the Planning Board the sketch plan review for Summerfield Farms, Part 7. The sketch plan shows 58 single-family homes located on the 66-acre parcel northeast of Summerfield Farms, Part 4. This will be the final part of Summerfield Farms. Only 23 acres will be used. The remaining 43 acres will remain green. The following items were discussed:

Sidewalks – The sketch plan shows sidewalks throughout the project. The Planning Board stated that sidewalks should be built all the way to William Street.

Street Lights – The Planning Board stated that street lights need to be installed from this project all the way to William Street. Council Member Donna Stempniak stated that the intersections where this project will connect with existing streets do not have street lights. As part of this project, street lights need to be installed at the intersections where the existing streets connect with this project within Summerfield Farms.

NYSDEC Monumentation – Lots #30, #31 and #32 back up to state wetlands and will require NYSDEC monumentation to mark the wetland boundary.

Mitigation – Mr. DiPaulo referred to the wetland mitigation agreement between NYSDEC and the developer of this project which was a result of the Henslow Sparrow situation on this parcel. The Planning Board stated that the agreement with NYSDEC regarding wetlands mitigation for this project must be provided to the Planning Board.

## DETERMINATION

Based on the information provided to the Planning Board, a motion was made by Joseph Keefe to recommend approval of the sketch plan with the following conditions: 1.) Sidewalks to be built throughout project and to William Street. 2.) Street lights for this project to be installed all the way to William Street. 3.) Street lights to be installed at the intersections where the existing streets connect with this project. 4.) Lots #30, #31, & #32 must have NYSDEC monumentation. 5.) Applicant to provide agreement with NYSDEC regarding wetlands mitigation for this project. Motion seconded by Melvin Szymanski and unanimously carried. Roll call vote as follows:

Chair Connelly - Yes

Rebecca Anderson - Yes

Anthony Gorski - Yes

Joseph Keefe – Yes

Lawrence Korzeniewski - Yes

Kristen McCracken - Excused

Melvin Szymanski - Yes

REZONE PETITION – FAIRWAY HILLS DEVELOPMENT, LLC, 0 & 5425 WILLIAM STREET. PRESENT ZONING IS AR – AGRICULTURAL RESIDENTIAL; PROPOSED ZONING IS MFR-3 – MULTIFAMILY RESIDENTIAL DISTRICT 3. PROPOSED REZONING PLAN APPROVAL FOR 112 +/- SINGLE-FAMILY DETACHED PATIO HOUSES. CONTACT PERSON: KENNETH ZOLLITSCH, GREENMAN-PEDERSEN, INC.

Kenneth Zollitsch, Greenman-Pedersen and David DiPaulo, Marrano Marc-Equity, presented to the Planning Board the rezone petition for 277 acres at 0 & 5425 William Street located at the north end of Summerfield Farms near William Street. The current zoning is AR, Agricultural Residential; proposed zoning is MFR-3,

Multi-Family Residential District 3 for 112 single-family detached patio homes. This project will be built in 3 phases. The project will have private roads with an exit onto William Street. The following items were discussed:

Landscaped berm – Since this project will back up to William Street, the Planning Board stated that an extensive landscaped berm must be built along William Street.

Parking – Each patio home unit will have a 2-car garage and a 2-space driveway. Building Inspector Jeffrey Simme suggested to the applicant that they look into additional parking areas throughout the project for visitor parking.

#### DETERMINATION

Based on the information provided to the Planning Board, a motion was made by Lawrence Korzeniewski to recommend approval of the rezone petition to the Town Board with the following condition: 1.) Rezone restricted for patio homes only. Motion seconded by Melvin Szymanski and unanimously carried. Roll call vote as follows:

Chair Connelly - Yes  
Rebecca Anderson - Yes  
Anthony Gorski - Yes  
Joseph Keefe – Yes

Lawrence Korzeniewski - Yes  
Kristen McCracken – Excused  
Melvin Szymanski - Yes

#### OTHER MATTERS – None

At 9:20PM a motion was made by Chairman Connelly to adjourn the meeting. Motion seconded by Rebecca Anderson and unanimously carried.